App F IX 4

Previous References 1947 48 (-nil-)

File No 40 47

Serial Nos 120 121

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos -Nil-

Part B for any 48

SUBJECT

Election of Mr B Padmanabha Rao as Vice President of the Chittalkote Town Municipal Council - Chitaldrug

K 12379 Dy. No. RA

To the Commissioner, Mysore -

3188 S 3206

From Mr B Padmanabha Rao, Chellakere
Petition dated 1-12-1947

States that the election of the Vice President ~~was~~ Chellakere Mly was regularly held and that the objections raised by the some members contesting the validity of the election were due to personal animosity

From The Deputy Commissioner
Chitaldrug District
Letter No A3 C 1345/47-48 dated 10-12-47

Requests that in the circumstances stated the election of Mr B Padmanabha Rao as Vice President of Chellakere Town Mly may be approved and a notification issued

1) Submitted orders of the Minister for L S G on P.S. 1 — Put up the record

2) The Deputy Commr Chitaldrug West States that the election of Mr B Padmanabha Rao was regularly held and as per rules

3) It is seen that the objection petitions presented by some councillors contesting the validity of the election was enquired into by the S D O Chitaldrug and a report was submitted by him

4) The objections are stated to be untenable and the D C requests approval to the election of Mr B Padmanabha Rao as Vice President

5) The Law Branch also be consulted if necessary as to the validity of the allegations made in this behalf

Submitted 16/12/47

6 The election of the Vice President of the Chellodam Town Council was held on 15/5/47 There were 14 Councillors for the Post and eleven municipal Councillors withdrew their candidature leaving names of D S Muniyappa, C Abdul Samad Sait & B Padmanabha Rao as Contestants in the field Mr B Padmanabha Rao is stated to have secured 11 votes as against those secured by Mr C Abdul Samad Sait The above shows that there was a very keen contest for the place & the majority of votes secured by Mr Padmanabha Rao is a very narrow one

7 Many Municipal Councillors have raised objections against the said election & some may have raised certain objections in all respects Chatterjee has gone in detail into all the allegations & given his opinion thereon

8 The first one relates to the election of the Vice President being held at a date later than one month as prescribed in rule 1(1)(a) of the rules regulating the election of V P's. In Sunnyday

This is a technical irregularity which could be condoned by the Court, in view of the fact that the Congress was convened for the first time & the Act decided for have the electors from one of the President from each State by the President to be appointed for fixing the manner of electing the President & Vice President & held on the first Tuesday after the expiration of 34 days from the date of the Proclamation of the Congress

This is not a material irregularity which would vitiate the election but may be overlooked

In the Conveyance of the Candidates by the Vakeel, the notice was served on them a few days before the meeting but fifteen days as laid down in the rules

The Vakeel states that the Vakeelsan had stood for election as V P was present at the meeting & has not objected to the issue of notice as above. Hence he considers that the objection is not tenable

This may perhaps be accepted

10 The D.C considers that the objections Nos 3, 4, 6 & 7 which relate to the procedure in holding the election are neither acceptable nor maintainable

11 Objection No 5 is that the successful candidate was BB Padmanabhadas who had to have used undue influence & corrupt practices as it was not proved that no evidence has been led in this regard to prove the same

12 The last one relates to the presiding officer of the meeting by name Shri Laxman Parashar being one of the additional Councillors, he could not exercise his vote at the election which he has done. There was a custom / precedent that was followed from long back, under Sec 26 (6) of the Town Planning Act the vote in case of equality of votes the presiding officer has a casting vote. The D.C considers that the allegations are not tenable & that the election has been validly held

13 The election was held on 25.5.47 & the result declared on the same day after counting the votes

cost submitting the records to the first
The inordinate delay could have been
avoided but will be pointed out to
the D.C
(iii) If necessary the records of the
Law sections may also be scrutinised with the
above objects & the provisions of the
copy D.C received 19/12/47
of the rules)

The election of Mr
B Padmanabha Rao, as
Vice-President of Chittaluru
Mul. Council may be
sanctioned & notified
as recommended by the
D.C

The inordinate
delay caused in this
matter will be pointed
out to the D.C

(C - the Minister)

THE MINISTER FOR
LOCAL SELF GOVERNMENT
No GT2
Date 2.1.48

Sanctioned
31/12/47

22/12/47

3/1/48

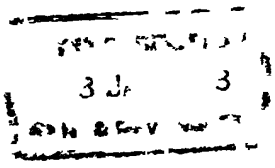
SAUM
MI

Election of B Padmanabha Rao as Vice Pdt
Challakere Town M Council

Sales off & Notification put up ~~on~~ are for offs

Bgs 5/1/48 B 5/1/48

Secretary
CT
7/1/48



To

The Compiler Mysore Gazette
" ~~Compilation~~ Dc Chitaldrug
No L 12379/M 40-47-121 & 9-1-48
Notifies the election of M B Padmanabha
Rao as Vice-Pdt Challakere Mcp

~~To~~ To The Dc Chitaldrug
No L 12381/M dated 9-1-48
Observes that there is an undue
delay in the matter which such
delay should be accounted

16/1/48
R

22

To R38R93 ML 664 (6647) Office of the Assistant Commissioner,
Chitaldrug Sub-Division,
Chitaldrug, dated 26th November 1947

From

The Assistant Commissioner,
Chitaldrug Sub-Division,
Chitaldrug

EVENING ARRIVALS A6
2345

To

The Deputy Commissioner,
Chitaldrug District,
Chitaldrug

Sir,

Subject - Flection proceedings of the Vice-President,
Chellakere Town Municipal Council, Chellakere

- - -

With reference to memo No A6 P R 561/46-47 dated 3-9-47 on the above subject, I have the honour to state as follows -

(i) With regard to item No I only one notice was served among all the councillors with regard to the election of a President and Vice-President which is enclosed in the President's election file

(ii) With regard to item No II, I herein enclose the list received from the President on 20-11-47 and it is seen therefrom that the candidatures list was published on 9-5-47 at 11 A M

(iii) With regard to item No III, the list of members to whom voting papers were issued, it is seen from the list enclosed to the records that only 21 voting papers have been distributed to the councillors and the Amildar has written as ' Assisted " against the name of Pujari Challakariappa

(iv) With regard to item No 4, I have examined Pujari Chellakariappa on 20-11-47 at Chellakere camp and he admits that he requested the Amildar to help him in election proceedings The statement of Pujari Chellakariappa recorded on 20-11-47 enclosed to the President's file

(v) Mr F Ramaswamy, Pleader, Chellakere filed a vakalat on 20-11-47 and requested the court to entertain his objection petition on behalf of Padmanabha Rao(now elected as Vice-President) His objection petition was filed on 21-11-47 and this objection petition was accepted on the clear understandings that no

P T O

no notice will be taken by this offide

I have the honour to be,
sir,
Your most obedient s rvant,

Assistant Commissioner,
Chitaldrug Sub-Division

To

Sreeman R Channiga Raoad No 280

Minister Local Self Government

Bangalore

OFFICE OF THE DISTRICT LOCAL SELF GOVERNMENT
No
Dt

Respected Sir,

GOVT OF MYSORE 3188/nl 1 DEC 1947 LSG BRANCH

The election of the Municipal Vice President of the Challakere Municipality was held on 15-5-1947 The presiding officer conducted the election regularly and according to rules

REV DEPT SECRETARIAT 10/12

Some of the Municipal Councillors on account of the personal animosity to the presiding officer in the capacity of the Amildar of the Taluk filed an application before the Deputy Commissioner to set-aside the election

On this the Sub-division Officer Chitaldrug Sub-division was authorised to enquire

He enquired into the matter on 16-7-1947 and kept quite till 20-11-1947 On the 20th he enquired into the matter when, I filed my objection through my Counsel Sri K Ramaswamy

put up the record 4/12/47

Rev Sec(WC)

The enquiry officer is influenced by one Sri Anka Govinda Reddy who accompanied the officer and was present throughout the enquiry though he was neither the Counsel of any party nor he had any official connection in the enquiry

Sri Anka Govinda Reddy 19/12/47

This has given me a doubt because the gentleman is helping the persons who have filed the applications This may also be taken into consideration while deciding the validity of the election and for this I humbly request you to pass orders early

Challekere
1st Dec 1947

I Remain
Respected Sir
Your most Obedient Servant
H Padmanabha Rao

Office of the Deputy Commissioner,
Chitaldrug District,
Chitaldrug, dated, 10th December 1947

No AC C 1345/47-48

Encl 1 file

To

Syed Abdul Aleem Esq, B A,
Secretary to the Government of Mysore, Revenue Department,
Bangalore

=====

Subject, Election of Mr B Padmanabha Rao as vice President of the Chellakere town municipal council

=====

Sir,

I have the honour to state that the Chellakere Minor Municipal council was converted into a town municipality with effect from 1-1-1947 as per the Govt notification No L 9263/Fl 80-46-9 dated 9-8-1946 The constitution of this town Municipal Council was notified in G O No L 9241 Fl 41-46-38 dated 30-12-46 under section 33(2)(b) of the Mysore Town Municipalities Act 1933 the Amildar of the Chellakere taluk is appointed the ex-officio President of the municipal council and under the proviso to section 6(2), he is also notified an additional councillor in the above notification dated 30-12-1946

2 The Municipal council at its meeting held on 10-1-47 has resolved that there should be an elected President and a vice President and that both the elections should be conducted together On a reference made, the Govt were pleased to confer on the Chellakere town Municipal council the privilege of electing a non official President from among its member, in G O No L 13448-51/Fl 107-46-18 dated 5-4-47 The Municipal council, at its meeting held on 16-4-47 has resolved that the election of the President and the Vice President should be conducted on the same day as had already been resolved by the council

3) The ex-officio President of the municipality conducted the election proceedings as per the calender of events issued on 12-4-47 The following municipal councillors stood for the election of the Vice President and the list showing the names of the candidates was notified at the municipal office on 8-5-47

P T O

M/s

1 K Jagannappa
2 Sahukar Lunigappa
3 D S Lurigappa
4 C Abdul Samad sab,
5 G Subbaraya Setty,
6 Channangi Rangappa
7 H S Mallappa
8 D S Krishna reddy,
9 B Venkatesan
10 C Syed Rahim
11 B Padmanabha Rao,
12 Majjige Veerabhadrappa
13 C S Lakshminarayana Rao
14 C Sura Naik

All the above Municipal councillors except Sl No 3 4 and 11 withdrew their candidature In the election that took place on 15-5-47, Mr B Padmanabha Rao was declared elected vice President of the Municipality as he secured 11 votes as against 10 votes secured by Mr C Abdul Samad sab

4 Under rule 12 of the rules regulating the election of Vice Presidents to town Municipal councils prescribed in G O No L 8961-M1 25-34-1 dated 22/28-5-1935, the following Municipal councillors presented a petition to this office on 21-5-47 contesting the validity of the above election on the grounds stated therein

M/s

1 H S Mallappa
2 C Syed Raheem
3 D S Lurigappa
4 C Abdul Samed sab,

Under rule 13 of the election rules, the Sub Division Officer, Chitaldrug was appointed in this office memo No A6 P R 561/46-47 dated 5-6-47 to enquire and submit a report The Sub Division Officer, Chitaldrug conducted the enquiry and has submitted his report in his letter No 93 dated 26-11-47

5) The allegations mentioned in the petition and the validity of each allegation are as follows,

Allegations made	Validity of the allegation
1) The Presiding officer has not suitably adhered to the following rules and the resolution of the Municipality	
a) The Municipal council has passed resolution in the month of Jan 1947 expressing its desire to have an elected vice President	The Municipal Council, at its meeting held on 10-1-47 has resolved that there should be an elected President and Vice President to the council and that the election of the President and the Vice President should be held on the same date The privilege of having an elected president to this town unicipal council was granted by the Govt in their memo order No L 13448-51/M1 107-46-18 dated 5-4-47 The Municipal council at its meeting held on 16-4-47 has resolved that the election of the President and the vice President should be held on the same day as previously resolved by the council The election of the vice President was held on 15-5-47 The procedure adopted by the President is in order and the allegations are not tenable
b) The election of the vice President should have taken place not later than one month from the date of the resolution of the Municipality expressing its desire to have an elected vice President	

That 15 days' notice of this meeting is not given during the said period of one month from the date of the resolution of the Municipality expressing its desire to have an elected vice President

As per rule 1(c) of the election rules at least fifteen days' notice of every meeting has to be given In the calender of events ,for the election of vice President issued and published on 18-4-47 it is seen that the date of the issue of the meeting notice is 23-4-47 and the date of the meeting is 15-5-47 The notice calling for a special meeting of the Municipal council for the conduct of the election of the President and the vice President was issued and published on 28-4-47 This notice is enclosed in the file relating to the election of a president to this Municipality for which a separate communication is made to Govt in the matter The meeting notice also was served on all the 21 Municipal Councillors including the ex-officio President In the served notice, Mr B Venkatesan Couhcillor has affixed in signature, stood as candidate and was also present at the election All the 21 councillors were present at the meeting These four councillors who have presented the petition contesting the validity of the election) and also present at the election meeting The fact that the meeting notice was served on Mr B Venkatesan on 5-5-47 ie , only ten days before the date of the meeting may not constitute an irregularity in view of the fact that 1)Mr Venkatesan had stood for the election of the vice President and was also present at the election meeting and (2) the calender of events notifying the date of issue of the meeting notice and the date of the election and the meeting notice were issued and published in time as per the election rules The allegation made in the petition is not tenable as the meeting notice was issued and published in t me

3 That no special meeting in confirmity with the January resolution of the Municipality has been convened for purpose of election of the ice President

The Municipal council, at its meeting held on 10-1-47 had resolved to have an elected president and vice president and that the election of both should be held on the same day The privilege of having a non official president to this Municipality was granted by Govt in G O No L 13448-51 M1 107-46-18 dated 5-4-47 The Municipal council, at its meeting held on 16-4-47 has resolved that the election of the President and the vice president should be held on the same date As per this resolution, the election of both the President and the vice president was held on 15-5-47 The allegation cannot be accepted as the procedure followed is in order

4 That the names of the candidates have not been notified at the Municipal office at least 5 days before the date fixed for the election

As per rule 3 of the election rules, the list showing the names of the candidates has tobe notified at the Municipal office at least five days before the day fixed for holding the election The list of candidates for the election of the vice president was published at the Municipal office on 9-5-47 at 11 A M The election meeting was held on 15-5-47 Five days clear notice is given between the date of the publication of the list of candidates and the date of the election The four

petitioners

had also stood for the election and their names also were notified A l the 21 councillors including the four petitioners were also present at the election meeting The allegation cannot be accepted

5) The opponent has used undue influence and corrupt practice in securing votes in His favour and the presiding officer who is not a competent to vote has exercised his vote in favour of the opponent

The petitioners ha e not gi en specific grounds to show that the opponent (Mr Padmanabha Rao) h s used undue inf uence and corrupt practice in s securing the votes in his favour There is also nothing to show either in the records or in the deposition statement of Mr D S Purigappa given before the Sub Division Officer on 17-6-47, that the opponent used currupt practice and undue influence

The Presiding officer ie , the ex-officio president and an additional councillor as notified by Govt in G O dated 3 -11-46 is competent to vote as per G O No L 8598-'l 44-30-5 dated 29-7-30 and L 6860-79 l l 163-38-2 d ted 27-2-1939 as he is not an interim president of the Municipality The ex-officio president has exercised his vote nd it is in order The allegations made in the petitions are not maintainable

6) The presiding officer has not signed the counterfoils of the voting paper and no counterfoils have been maintained

Nothing is mentioned in the election rules to maintain counter foils of the voting paper and that the Presiding officer should sign the co nter-foils of the voting paper In the present case, signatures of all the 21 co ncillors ha e been taken against their names on a sheet of paper for having issued the voting paper, the Amildar as ex-officio president and presiding officer has also affixed his signature in th list against his name This allegation cannot be accepted

7 The Presiding officer ought not to have helped one A K Puisri Challakeranpa in exxrcising vote and it is le rnt that the presiding officer has actually put mark in favour of the opponent and in fact the Amildar has not noted in the voting paper that he has helped the voter

The Sub Division Officer has examined Mr Puisri Challakerappa on 20-11-1937(Flag P of the President's election file separately submitted) Mr Challakerappa has deposed that he requested the Amildar President to ~~mark~~ mark his vote on the voting paper for the election of the Presi-dent and Vice President and that the Amildar complied with his request accordingly This councillor has further deposed that the Amildar President has marked the vote in favour of Mr Padmanabha Rao for the Vice President-ship and for Mr Jayaramappa for the President-ship as per his desire, and then put the voting paper in the ballot box Mr Challakerappa has affixed his signature against his name for having taken the voting paper and the Amildar has also written 'Assisted' against the name of Mr Challakerappa The Amildar has also signed against his name in the acknowledgement list The allegations raised are not maintainable

8 The amildar who presided on the election is not a member of the Municipality and has no power to exercised his vote in favour of any candidate and no proceedings have been drawn that the Amildar should preside on the meeting

The Amildar has been notified by the Govt in G O dated 30-11-46 as per an ex Officio president and an additional councillor of the Municipal Council As per G O No L 8598-B/'l 44-30-5 dated 29-7-30 and 6860-79 l l 163-38-2 dated 27-2-39, the Amildar who is the ex-officio President of the Municipality can exercise his vote as he is not a interim President of this Municipality

As per the rule 5 of the election rules, the councillors present, shall, if the president be absent, select for the purpose of presiding at the meeting one from among themselves, who is not a candidate In this case, the Amildar, who has been

continued to 8
=====

notified as ex-officio president and an additional councillor by the Govt has presided at the meeting and there is no reason to select an other for the President-ship at the meeting

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Under the above reasons mentioned against the several allegations made in the petition, it is clear that the allegations of the petitioners are not tenable The election is regularly held The petition of the councillors may be rejected and the election of Mr B Padmanabha Rao as vice President of this Municipality may kindly be approved and a notification issued very early

All the connected papers are enclosed for the kind information of Government

I have the honour to be,
Sir,
Your most obedient Servant,

for Deputy Commissioner,
Chitaldrug District
(Absent from Hd quarters)

C I F 2/

L 12379/ Ml 40-47-121

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretaria 9/148

1 Copy

Dated Bangalore _ _ _ _ _ _ _ _

NOTIFICATION

Under Section 23 (4) of the Mysore ~~Section 10 (4) of the Mysore~~ Town Municipalities Act 1933 ~~Minor Municipalities Act 1933~~

Mr B Padmanabha Rao is elected Vice-President of the Chellakere Town Municipal Council ~~Minor Municipal Council~~ Chitaldrug District

By Order

Secretary to Government
Revenue ~~Law~~ *Department*

To—The Compiler Mysore Gazette for publication in Part III-3 of Gazette and supply of five copies thereof to the Secretariat and to the Deputy Commissioner of the District Concerned

MEMO NO L 12380 9/148

Copy of the above is forward with comliments to the Deputy Commissioner Chitaldrug District for information with reference to his letter No 36 C 1345/47-48 dated 10-12 1947

The records accompany

By Order,

For Secretary to Government
Revenue ~~Law~~ *Department*

9

P. 5148

Appendix F G—11

SUBJECT

No 4

Diary No of letter replied to 3206

General and Revenue Secretariat

( )

the *19*

Date of issue 9.1.48

Signed by

List of enclosures

Copied by

Examined by

Section

File No

Serial No

No L 12387

To

The Deputy Commr

Chittaldrug District

Sir,

In continuation of Notification No L 12379 -/M 40-47-121 dated 9-1-48 approving of the election of Mr B Padmanabha Rao as Vice-Pdt of the Chellakere Tn Jour municipal council I am directed to observe that there has been undue delay in the disposal of the matter and that such delays should be avoided

I have etc

for Secy to Govt

WD 06865—GPB—8 000—9-8-47

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

NOTIFICATION

Under section 23 (4) of the Mysore Town Municipalities Act, 1938, Mr. S Ramanatha Rao is elected Vice-President of the Challakere Town Municipal Council, Chitaldrug District

SECRETARY TO GOVERNMENT

The Compiler, Mysore Gazette, for publication in part III-a of the Gazette and supply of five copies thereof to the Secretariat and to the Deputy Commissioner of the District concerned.